

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ERNESTINE MARCUM,	:	
Plaintiff,	:	Civil Action 2:13-cv-435
v.	:	Judge George C. Smith
SELINA MILLER,	:	Magistrate Judge Elizabeth P. Deavers
Defendant.	:	

REPORT AND RECOMMENDATION

A Complaint was filed in the name of Ernestine Marcum against Selina Miller and others. (ECF No. 1.) Plaintiff Marcum did not pay the \$400.00 filing fee or file an application for leave to proceed *in forma pauperis*. The Court, therefore, scheduled a hearing for July 2, 2013 at 2:30 p.m. to determine if the case should be allowed to proceed. (Order, ECF No. 2.) The Court also provided notice of the hearing by mail to the individual named as Plaintiff at the address provided in the Complaint. (Notice, ECF No. 3.) No appearance was made by Ernestine Marcum at the hearing on July 2, 2013.¹

The filing fee has not been paid, there has been no request for leave to proceed *in forma pauperis*, and it does not appear that the claims asserted in this action will be pursued. It is therefore **RECOMMENDED** that this action be **DISMISSED**.

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in

¹Selina Miller, who is named as a Defendant in the Complaint, appeared at the hearing.

question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Response to objections must be filed within fourteen (14) days after being served with a copy.

Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

DATE: July 8, 2013

/s/ Elizabeth A. Preston Deavers
ELIZABETH PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE